



City of Albuquerque

Legislative File Number AC-06-3 (version 1)

INTER-OFFICE MEMORANDUM

December 30, 2005

TO: Martin Heinrich, President, City Council

FROM: Richard Dineen, Planning Director
AC-06-3 - 05EPC-01567, Project #1004473 - La Luz Landowner's Association appeals the decision of the Environmental Planning Commission to approve a Site Development Plan for Building Permit involving Tracts 4 and 6, North Andalusia at La Luz, zoned SU-1 for O-1, C-2, and PRD 20 DU/AC, located on Coors Blvd NW, between Montano Road NW and Learning Road NW, containing approximately 24 acres. Carmen Marrone, Staff Planner. (E-12)

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This is an appeal of the Environmental Planning Commission's (EPC) November 17, 2005 decision to approve a Site Development Plan for Building Permit for a 23.4-acre site located on the east side of Coors between Montano Road and Learning Road NW. The site plan proposes 105 condominiums on Tract 4 and 300 apartments on Tract 6 for a gross density of 17.2 dwelling units per acre. The proposed uses are allowed under the current zoning and land use designation. The Planning Department recommended approval of the request and the EPC unanimously approved the request.

STANDING:

Dr. Rae Perls, on behalf of the La Luz Landowner's Association (La Luz), submitted the appeal. La Luz is a Recognized neighborhood association and has standing to appeal the EPC decision since its boundaries are within 600 feet of the subject site.

GROUND'S FOR APPEAL:

The appellant does not specifically cite and explain one or more alleged errors as required under Section 14-16-4-4 (B)(3) of the Zoning Code. The appellant, instead, lists several issues which are claimed to have been raised at the EPC hearing of November 17, 2005. The record of the EPC hearing indicates that the appellant brought up four main issues for EPC consideration; however, the subject appeal lists at least eight issues that were not addressed by the EPC.

Below is a list of the appellant's issues (in bold text) followed by responses from the City of Albuquerque Planning Department:

1. The EPC failed to appropriately address the failing traffic conditions at the intersections of Coors/Learning Road and Coors/Montano Road.

When Dr. Perls spoke at the EPC hearing of November 17, 2005, she stated that there was no point in discussing the traffic situation at Coors/Learning nor about the failure of Montano/ Winterhaven because “as much as we are concerned about that, nothing is going to change because this project gets approved or disapproved” (bottom of p.13 of EPC Minutes). It is unclear why the traffic conditions at these intersections are being brought up in the current appeal since they were not brought up at the EPC hearing. However, in response to the alleged failing traffic conditions at these intersections, the approved site plan includes access from Coors Boulevard to Mirandela Road, which will improve traffic operations at the intersections of Coors/Montano and Coors/Learning Road.

2. Failure to consider that the density of the project is not appropriate given the road concerns in the area. The developers have taken no steps to assure that the Winterhaven / Montano Road overpass is not in the CCIP, nor has the City obtained the necessary right-of-way for such an overpass.

The density of the project was considered when the zoning on the site was established in August of 2003. The established zoning allows 20 dwelling units per acre. The EPC approved 17 dwelling units per acre per the proposed site plan.

The CCIP is in place for the years 2005-2015. It will be updated every two years to coincide with the G.O. Bond cycle. Anyone may submit a formal request for consideration of particular roadway improvements to the Impact Fees Administrator

for the next update. In addition, the City Engineer has indicated the City has adequate right-of-way at Montano/ Winterhaven for a future overpass.

3. Erroneously finding that the traffic at the intersection of Learning Road and Antequera Road will make it difficult for La Luz residents to enter onto Learning Road.

Finding #23 states that the developer will work with the City and the La Luz Community to address traffic and access at the intersection of Learning Road/Antequera Road, and the access to the La Luz Community. Currently, the developer is discussing traffic calming options for this intersection with the La Luz Association.

4. Failure to acknowledge and plan for cut-through traffic from Antequera Road south through the La Luz Community in order to gain access to Coors.

No evidence has been presented to support the claim that traffic will cut through the La Luz Community from Antequera Road, especially since the road through the La Luz Community contains many speed bumps.

Currently, the developer is discussing the possibility of providing a gate at the access to La Luz to prevent cut-through traffic through the neighborhood.

5. Failure to notify the La Luz Community that a bus route is planned to turn off of Coors at Mirandela Road, go south on Antequera Road, and exit onto Learning Road, further adding to the traffic problems at the intersection of Learning and Antequera Roads.

Neighborhood notification is not required when new bus routes are planned. No evidence has been presented to support the claim that a bus route will add to traffic problems.

6. Failure to appropriately address the open space requirements:

a. Only the developer's representative was called upon by the EPC.

The EPC also heard from Planning staff regarding the open space requirements.

b. The planner for the project was not present at the hearing

Mr. Russell Brito, EPC Senior Planner, presented the project at the EPC hearing and is very familiar with the open space issues concerning this case.

c. Balconies should not be calculated as part of the open space

requirement.

The usable open space definition in the Zoning Code allows for balconies to be counted as open space.

d. The *Coors Corridor Plan* urges a transition of green between Coors and the Bosque.

There is no requirement for a “transition of green” between Coors Boulevard and the bosque in the Coors Corridor Plan. The Coors Corridor Plan requires a 35' landscape buffer along Coors Boulevard and a 100' buffer along the bosque. Both of these buffers have been provided per the approved site plan.

e. The open space calculations and proposals need more careful and public discussion.

Condition #9 of the site plan requires the applicant to quantify the detached open space on the site plan prior to final sign-off at DRB. There is no provision for a public hearing regarding detached open space calculations, which are being reviewed by the Open Space Division, the Legal Department, and the Planning Department.

f. The stands of trees on Tract 6 should be preserved under the open space requirements.

The site plan for subdivision that controls all of Tracts 1-9 of North Andalucia at La Luz, which was approved in May of 2005, shows a roadway at this site and does not include any provisions for preserving the stand of trees referred to by the Appellant.

7. Failure to expressly find that all requirements of the *Coors Corridor Plan* are met:

a. Failure to independently analyze the view preservation requirements.

The developer provided a view analysis as required by the Coors Corridor Plan. The view analysis was reviewed and accepted by the EPC; it shows that the proposed development is in compliance with the view preservation requirements of the Coors Corridor Plan.

b. Failure to seriously consider traffic impacts on the bosque.

The proposed development is not adjacent to the bosque and will not directly

impact the bosque.

c. Failure to consider density reduction and lower buildings near Coors.

The density which was considered and approved by the EPC was for 17 dwellings per acre, reduced from the zoning allowance of 20 dwellings per acre. Buildings along Coors were not lowered any further from what was proposed because they already met the height and view requirements of the Coors Corridor Plan.

8. Failure by the EPC to have a careful and considered discussion of the issues affecting the area.

The EPC conducted a duly advertised public hearing on this site plan. The EPC heard and considered the issues expressed through extended testimony by the Appellant/ Agent. The EPC reviewed staff's analysis and other information submitted to the record, including a letter from the Appellant/ Agent which was part of the EPC packet. After closing the public hearing, the site plan was discussed among the EPC members prior to taking action. The EPC acted accordingly and within its power in approving the site plan.

The Planning Department believes that this appeal lacks merit and substance, and recommends denial of the appeal.

APPROVED:

Jack Cloud, Interim Manager
Development Review Division
Planning Department

